

Fax

Lilly

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285
U.S.A.

RECEIVED
CENTRAL FAX CENTER

APR 30 2004

To: Commissioner For Patents

OFFICIAL

Company: U.S. Patent and Trademark Office

From: R. Craig Tucker

Fax: 9-1-703-872-9306

Fax: (317) 276-3861

Date: April 30, 2004

Phone: (317) 433-9829

Total Pages: ~~13~~⁴¹

RE: Patent Application No.: 10/031,312
Filed: May 6, 2002
Applicant: Briner et al.
Examiner: Emily B. Bernhardt
Art Unit: 1624
Attorney Docket No. X-12592

CONFIDENTIALITY NOTICE

This facsimile message is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect) and return the original message to us at the above address via U.S. Postal Service.

Answers That Matter.

(Original + 3 Copies)

Please type a plus sign (+) inside this box → ☐B-33
PTO/SB/17 (12/97)Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL		Complete if Known																																																																																																																																																																																																																																																																													
<p>Note: Effective November 10, 1998. Patent fees are subject to annual revision.</p> <p>TOTAL AMOUNT OF PAYMENT (\$)950.00</p> <p>METHOD OF PAYMENT (check one)</p> <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 05-0840 Deposit Account Name: Eli Lilly and Company</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance</p> <p>2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		Application Number	10/031,312																																																																																																																																																																																																																																																																												
		Filing Date	May 6, 2002																																																																																																																																																																																																																																																																												
		First Named Inventor	Briner																																																																																																																																																																																																																																																																												
		Group Art Unit	1624																																																																																																																																																																																																																																																																												
		Examiner Name	Emily B. Bernhardt																																																																																																																																																																																																																																																																												
		Attorney Docket Number	X-12592																																																																																																																																																																																																																																																																												
FEE CALCULATION		FEE CALCULATION (continued)																																																																																																																																																																																																																																																																													
<p>1. FILING FEE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>101</td> <td>770</td> <td>201</td> <td>385</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>106</td> <td>340</td> <td>206</td> <td>170</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107</td> <td>530</td> <td>207</td> <td>265</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108</td> <td>770</td> <td>208</td> <td>385</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114</td> <td>160</td> <td>214</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (1)</td> <td>(\$)</td> </tr> </tbody> </table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	101	770	201	385	Utility filing fee		106	340	206	170	Design filing fee		107	530	207	265	Plant filing fee		108	770	208	385	Reissue filing fee		114	160	214	80	Provisional filing fee		SUBTOTAL (1)					(\$)	<p>3. ADDITIONAL FEES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge-late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50</td> <td>237</td> <td>25</td> <td>Surcharge-late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>420</td> <td>216</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>950</td> <td>217</td> <td>475</td> <td>Extension for reply within third month</td> <td>950</td> </tr> <tr> <td>118</td> <td>1,480</td> <td>218</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>138</td> <td>2,010</td> <td>228</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>319</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>330</td> <td>220</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>290</td> <td>221</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive-unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,330</td> <td>241</td> <td>665</td> <td>Petition to revive-unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,330</td> <td>242</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>480</td> <td>243</td> <td>240</td> <td>Design Issue Fee</td> <td></td> </tr> <tr> <td>144</td> <td>640</td> <td>244</td> <td>320</td> <td>Plant Issue Fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td>Submission of Information Disclosure Stmt.</td> <td></td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>770</td> <td>246</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>770</td> <td>249</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>179</td> <td>770</td> <td>279</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="5">Other fee (specify) <u>Terminal Disclaimer 1.321</u></td> <td></td> </tr> <tr> <td colspan="5">Other fee (specify)</td> <td></td> </tr> <tr> <td colspan="5">*Reduced by Basic Filing Fee Paid</td> <td></td> </tr> <tr> <td colspan="5" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$)950.00</td> </tr> <tr> <td colspan="2">SUBMITTED BY</td> <td colspan="2">Complete (if applicable)</td> </tr> <tr> <td colspan="2">Typed Name Robert Craig Tucker</td> <td colspan="2">Reg. Number 45,165</td> </tr> <tr> <td colspan="2">Signature</td> <td colspan="2">Date April 30, 2004</td> </tr> <tr> <td colspan="4" style="text-align: center;">CERTIFICATE OF MAILING</td> </tr> <tr> <td colspan="4">I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.</td> </tr> <tr> <td colspan="2" style="text-align: center;">By <u>Robert Craig Tucker</u></td> <td colspan="2" style="text-align: center;">Date <u>April 30, 2004</u></td> </tr> <tr> <td colspan="4" style="text-align: center;">ELI LILLY AND COMPANY</td> </tr> </tbody> </table>		Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge-late filing fee or oath		127	50	237	25	Surcharge-late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	420	216	210	Extension for reply within second month		117	950	217	475	Extension for reply within third month	950	118	1,480	218	740	Extension for reply within fourth month		138	2,010	228	1,005	Extension for reply within fifth month		119	320	319	165	Notice of Appeal		120	330	220	165	Filing a brief in support of an appeal		121	290	221	145	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive-unavoidable		141	1,330	241	665	Petition to revive-unintentional		142	1,330	242	665	Utility issue fee (or reissue)		143	480	243	240	Design Issue Fee		144	640	244	320	Plant Issue Fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	180	126	180	Submission of Information Disclosure Stmt.		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	770	246	385	Filing a submission after final rejection (37 CFR 1.129(a))		149	770	249	385	For each additional invention to be examined (37 CFR 1.129(b))		179	770	279	385	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) <u>Terminal Disclaimer 1.321</u>						Other fee (specify)						*Reduced by Basic Filing Fee Paid						SUBTOTAL (3)					(\$) 950.00	SUBMITTED BY		Complete (if applicable)		Typed Name Robert Craig Tucker		Reg. Number 45,165		Signature		Date April 30, 2004		CERTIFICATE OF MAILING				I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.				By <u>Robert Craig Tucker</u>		Date <u>April 30, 2004</u>		ELI LILLY AND COMPANY			
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																										
101	770	201	385	Utility filing fee																																																																																																																																																																																																																																																																											
106	340	206	170	Design filing fee																																																																																																																																																																																																																																																																											
107	530	207	265	Plant filing fee																																																																																																																																																																																																																																																																											
108	770	208	385	Reissue filing fee																																																																																																																																																																																																																																																																											
114	160	214	80	Provisional filing fee																																																																																																																																																																																																																																																																											
SUBTOTAL (1)					(\$)																																																																																																																																																																																																																																																																										
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																																																																																																										
105	130	205	65	Surcharge-late filing fee or oath																																																																																																																																																																																																																																																																											
127	50	237	25	Surcharge-late provisional filing fee or cover sheet																																																																																																																																																																																																																																																																											
139	130	139	130	Non-English specification																																																																																																																																																																																																																																																																											
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																																																																																																											
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																																											
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																																											
115	110	215	55	Extension for reply within first month																																																																																																																																																																																																																																																																											
116	420	216	210	Extension for reply within second month																																																																																																																																																																																																																																																																											
117	950	217	475	Extension for reply within third month	950																																																																																																																																																																																																																																																																										
118	1,480	218	740	Extension for reply within fourth month																																																																																																																																																																																																																																																																											
138	2,010	228	1,005	Extension for reply within fifth month																																																																																																																																																																																																																																																																											
119	320	319	165	Notice of Appeal																																																																																																																																																																																																																																																																											
120	330	220	165	Filing a brief in support of an appeal																																																																																																																																																																																																																																																																											
121	290	221	145	Request for oral hearing																																																																																																																																																																																																																																																																											
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																																											
140	110	240	55	Petition to revive-unavoidable																																																																																																																																																																																																																																																																											
141	1,330	241	665	Petition to revive-unintentional																																																																																																																																																																																																																																																																											
142	1,330	242	665	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																											
143	480	243	240	Design Issue Fee																																																																																																																																																																																																																																																																											
144	640	244	320	Plant Issue Fee																																																																																																																																																																																																																																																																											
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																											
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																																																																											
126	180	126	180	Submission of Information Disclosure Stmt.																																																																																																																																																																																																																																																																											
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																											
146	770	246	385	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																																											
149	770	249	385	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																											
179	770	279	385	Request for Continued Examination (RCE)																																																																																																																																																																																																																																																																											
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																																																																																																											
Other fee (specify) <u>Terminal Disclaimer 1.321</u>																																																																																																																																																																																																																																																																															
Other fee (specify)																																																																																																																																																																																																																																																																															
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																																																																																															
SUBTOTAL (3)					(\$) 950.00																																																																																																																																																																																																																																																																										
SUBMITTED BY		Complete (if applicable)																																																																																																																																																																																																																																																																													
Typed Name Robert Craig Tucker		Reg. Number 45,165																																																																																																																																																																																																																																																																													
Signature		Date April 30, 2004																																																																																																																																																																																																																																																																													
CERTIFICATE OF MAILING																																																																																																																																																																																																																																																																															
I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date appearing below.																																																																																																																																																																																																																																																																															
By <u>Robert Craig Tucker</u>		Date <u>April 30, 2004</u>																																																																																																																																																																																																																																																																													
ELI LILLY AND COMPANY																																																																																																																																																																																																																																																																															

(Rev. 10/03)

APR 30 2004

OFFICIAL

CERTIFICATE OF FACSIMILE

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at facsimile number:
1-703-872-9306 on April 30, 2004.

By *K. L. Taylor*Date *April 30, 2004*

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Briner et al.)	
Serial No. :	10/031,312)	
Filed :	May 6, 2002)	Group Art Unit:
)	1624
Title :	BENZOFURYLPIPERAZINES AND)	Examiner:
	BENZOFURYLHOMOPIPERAZINES)	Emily B. Bernhardt
	SEROTONIN AGONISTS)	
Docket No. :	X-12592)	

REPLY UNDER 37 C.F.R. 111 & AMENDMENT UNDER 37 C.F.R. 1.121

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Introductory Comments

In response to the Office Action dated October 30, 2003, please amend this application and consider the remarks as follows: